

## Office of the Secretary of Defense

## § 385.5

coordinate, and evaluate effectiveness of career development programs for military general intelligence personnel; conduct planning and guidance activities in coordination with DoD components on these programs to meet DoD requirements. Provide technical assistance in the development and conduct of DoD general intelligence training.

(q) Provide guidance, in conformance with policies of DoD and the Director of Central Intelligence, to DoD components concerning the release of Defense intelligence information to foreign governments, international organizations and the public.

(r) Administer DoD security policies and programs to protect intelligence and intelligence sources and methods, including direction of the Defense Special Security System.

(s) Adjudicate clearance eligibility for DIA civilian personnel and eligibility for access to compartmented intelligence for all personnel assigned to OSD, OJCS, and the Defense Agencies, with the exception of NSA, including contractors and consultants.

(t) Provide representation on national and international intelligence committees, boards and working groups, as appropriate.

(u) Provide the DoD focal point for relationships with foreign intelligence services.

(v) Prepare and submit to the Secretary of Defense the DIA program and budget.

(w) Ensure that all DIA policies, plans, programs, and activities are carried out in accordance with law and the provisions of Executive Orders and other directives from higher authority establishing oversight controls on foreign intelligence activities.

(x) Report to the Inspector General for Defense Intelligence and the General Counsel, Department of Defense, any activities that raise questions of legality or propriety.

(y) Establish and conduct or recommend research development, test and evaluation programs or projects to carry out the responsibilities assigned herein.

(z) Perform such other functions and services as the Secretary of Defense may from time to time assign.

[42 FR 33734, July 1, 1977. Redesignated and amended at 58 FR 39360, July 22, 1993]

### § 385.4 Organization and administration.

(a) The Director, DIA, will be a commissioned officer of suitable general of flag rank appointed by the Secretary of Defense from officers of the Armed Forces on active duty. The DIA shall be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

(b) The Director, DIA, shall report to the Secretary of Defense and the Chairman, Joint Chiefs of Staff. The Director, DIA, shall be under the operational control of the Joint Chiefs of Staff for the purposes of:

(1) Obtaining the intelligence support required to perform the statutory and assigned responsibilities of the Joint Chiefs of Staff; and

(2) Ensuring that adequate, timely and reliable intelligence support is available to the Unified and Specified Commands.

(c) Staff supervision of the DIA for the Secretary of Defense will be exercised by the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence) with respect to resources, and by the Deputy Under Secretary of Defense (Policy Review) with respect to policy.

(d) The performance of the Director, DIA, will be evaluated by the Secretary of Defense. The Chairman, JCS, shall report on performance of the Director, DIA, concurrently with the Secretary of Defense's report.

[42 FR 32537, June 27, 1977, as amended at 44 FR 36032, June 20, 1979; 45 FR 84996, Dec. 24, 1980]

### § 385.5 Relationships.

(a) In the performance of his duties the Director, DIA, shall:

(1) Coordinate actions, as appropriate, with DoD components and governmental agencies having collateral or related functions in the field of his assigned responsibilities.

(2) Maintain liaison for the exchange of information and advice with DoD

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components and other governmental agencies in the field of his assigned responsibilities.

(b) The Military Departments and other DoD components shall provide such support and assistance to the DIA as may be necessary for carrying out its mission.

### § 385.6 Authorities.

A delegation of the administrative authorities required by the Director, DIA, to administer and direct the operations of the Agency is contained in § 385.7. In the performance of assigned responsibilities and functions, the Director, DIA, is specifically delegated authority to:

(a) Establish, operate and control all organizations and activities assigned to DIA.

(b) Assign tasks and issue instructions and guidance to DoD components as necessary to carry out the functions assigned herein and such additional functions as may be assigned. All such assignments and issuance to a Military Department shall be through the Secretary of Defense or his designee. For activities under the cognizance of the Joint Chiefs of Staff, the Director, DIA, shall function as the intelligence staff officer of the Joint Staff and assign tasks in accordance with procedures of the Joint Chiefs of Staff.

(c) Have free and direct access to and communication with DoD components, the U.S. Intelligence Community, and other executive departments and agencies as necessary.

(d) Obtain from any DoD component such information as may be necessary for the performance of assigned functions, subject to the provisions of DoD Directive 5000.19.<sup>2</sup>

(e) Enter into agreements on intelligence exchanges and cooperation with foreign military intelligence services as required to fulfill the DIA mission.

[42 FR 33734, July 1, 1977. Redesignated and amended at 58 FR 39360, July 22, 1993]

### § 385.7 Delegation of authority.

Pursuant to the authority vested in the Secretary of Defense, the Director, DIA, or, in the absence of the Director,

his designee, is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, authority as required in the administration and operation of DIA to:

(a) Exercise the power vested in the Secretary of Defense by 5 U.S.C. 302 and 5 U.S.C. 3101 pertaining to the employment, direction and general administration of DIA civilian personnel.

(b) Fix rates of pay for wage rate employees exempted from the Classification Act by 5 U.S.C. 5102, on the basis of rates established under the Coordinated Federal Wage System. DIA, in fixing such rates, shall follow the wage schedule established by the DoD Wage Fixing Authority.

(c) Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DIA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated March 14, 1975.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of 5 U.S.C. 2903(b) and designate in writing, as may be necessary, officers and employees of DIA to perform this function.

(e) Establish a DIA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect DIA or its subordinate activities in accordance with the provisions of 5 U.S.C. 4503 and applicable Civil Service Regulations.

(f) In accordance with the provisions of 5 U.S.C. 7532; Executive Order 10450, "Government Personnel Security Program," August 5, 1954; and 32 CFR part 156:

(1) Designate any position in DIA as a "sensitive" position;

<sup>2</sup>See footnote 1 to § 385.3.